

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE November 18, 2005 LOCAL EFFECTIVE DATE December 2, 2005 APPROX FINAL EFFECTIVE DATE December 23, 2005	CONTACT/PHONE Murry Wilson, Planner (805) 788-2352	APPLICANT Allen Benson	FILE NO. DRC2005-00025
SUBJECT Request by Allen Benson for a Minor Use Permit / Coastal Development Permit to allow a 320 square foot as-built carport (16' x 20') attached to the existing single family residence. The project has resulted in the disturbance of approximately 320 square feet of a 12,195 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1995 Norwich Avenue in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2005-00025 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued (pursuant to CEQA Guidelines Section 15303) on February 17, 2005.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Terrestrial Habitat and Local Coastal Plan	ASSESSOR PARCEL NUMBER 023-076-039	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Plan and Terrestrial Habitat <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / Residence <i>South:</i> Residential Single Family / Residence <i>East:</i> Residential Single Family / Residence <i>West:</i> Residential Single Family / Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Gently sloping	VEGETATION: Grasses, forbs, ornamentals, and Monterey Pines
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: September 16, 2005

PLANNING AREA STANDARDS:

Lot Size: 12,000 square feet

Triple, Forested

Oversized lot adjustment: 2.285

Slope: approx 2 percent

Number of trees to be removed: 0

Base: 1,200 sq ft footprint, 2,400 sq ft GSA

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,200 x 2.285 = 2,742	2,244	OK
GSA (SQUARE FEET)	2,400 x 2.285 = 5,484	2,244	OK
DECKS (SQUARE FEET)			
PERVIOUS	822	0	OK
IMPERVIOUS	274	0	OK
HEIGHT (FEET)	28	< 10'	OK
SETBACKS (FEET)			
FRONT	10' or 15' (front and rear to total 25')	15'	OK
REAR	10' or 15' (front and rear to total 25')	> 10'	OK
SIDE	5'	~ 50'	OK
STREET SIDE	10'	N/A (Existing)	OK

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Terrestrial Habitat - Vegetation that is rare or endangered, or that serves, as habitat for rare or endangered species shall be protected. Development has been sited to minimize disruption of the habitat and native plants. No native vegetation that is the basis of the Terrestrial Habitat designation was created will be removed with this project.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies; the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. A will serve letter from Cambria Community Services District will be required prior to issuance of construction permits. The property is currently served with water and no new fixtures are proposed with this project.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category on slopes of less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new garage will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been eliminated.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 29: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because not allowing a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).

Policy 30: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been eliminated. If trees are removed,

Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 35: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been eliminated through project design.

Visual and Scenic Resources:

Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been eliminated through project design.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: NCAC had no comments on this project

AGENCY REVIEW:

Public Works – Recommend approval. Any work in the road right-of-way will require an encroachment permit from Public Works (driveway onto Norwich Ave.).
Cambria Community Services District – No comment.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. Cambria Pines Tract 8 Block 190 Lots 24 through 29 were merged by Voluntary Merger M01-242.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption (pursuant to CEQA Guidelines Section 15303) because the project consists of the construction of a new garage.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed or impacted they will be replaced.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.

- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if pine trees are removed, they will be replaced on a two-to-one basis. Oak trees will be replaced on a four-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- M. The project or use will not significantly disrupt the habitat, because it is a residential accessory use with minimal site disturbance.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the construction of an as-built 320 square foot carport.
2. All permits shall be consistent with the approved Site Plan.

Grading, Drainage, Sedimentation and Erosion Control

3. **Prior to issuance of a construction permit**, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan prepared by an appropriate design professional as determined by the County Public Works Department.

Fire Safety

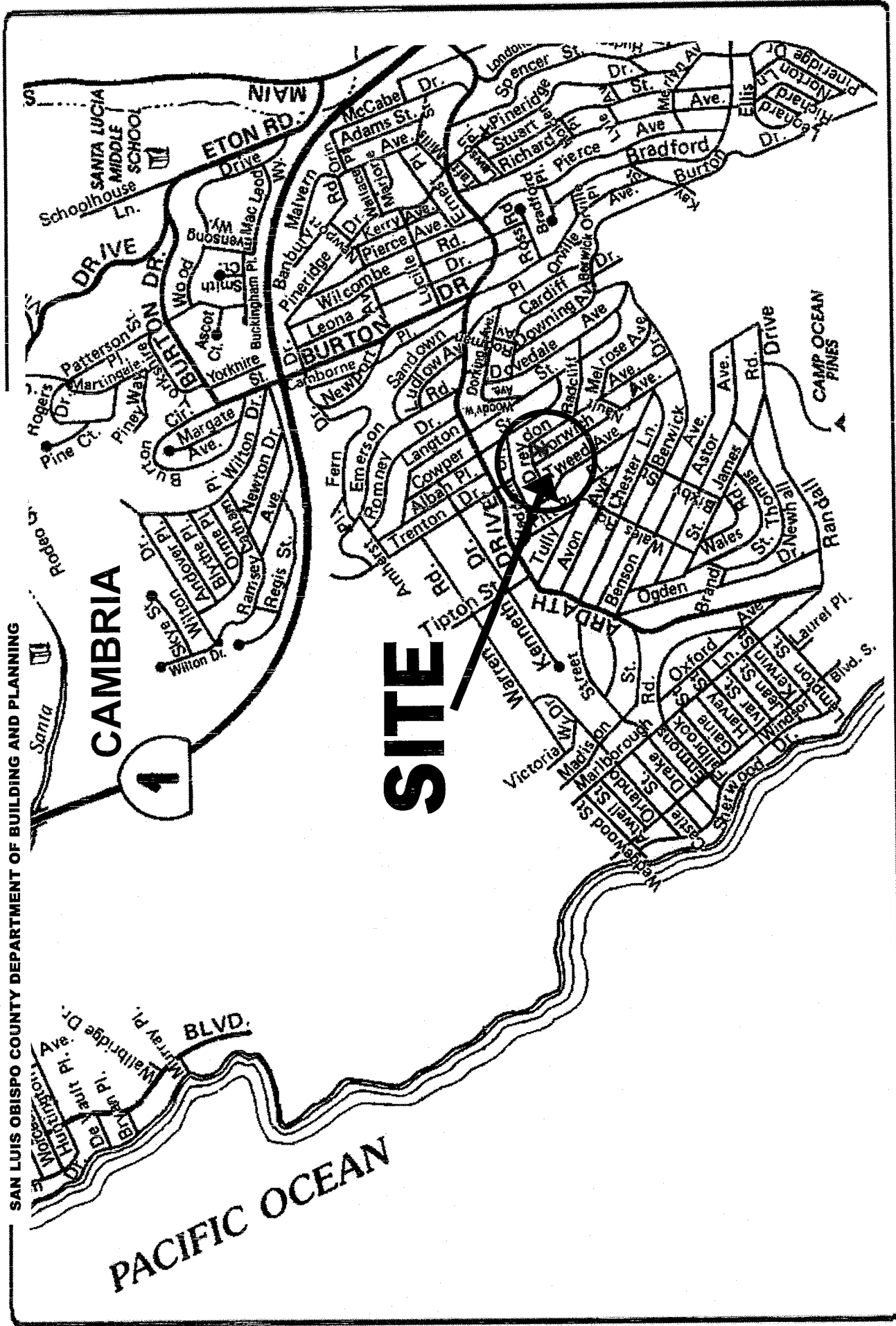
5. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
6. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Cambria Community Services District

7. **Prior to issuance of a construction permit**, the applicant shall obtain a signed release from the **Cambria Community Services District** to ensure that all of their concerns, requirements, fees, and design issues have been addressed. The applicant shall submit the signed release to development review staff prior to requesting building permit issuance.

Miscellaneous

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
9. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
10. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').



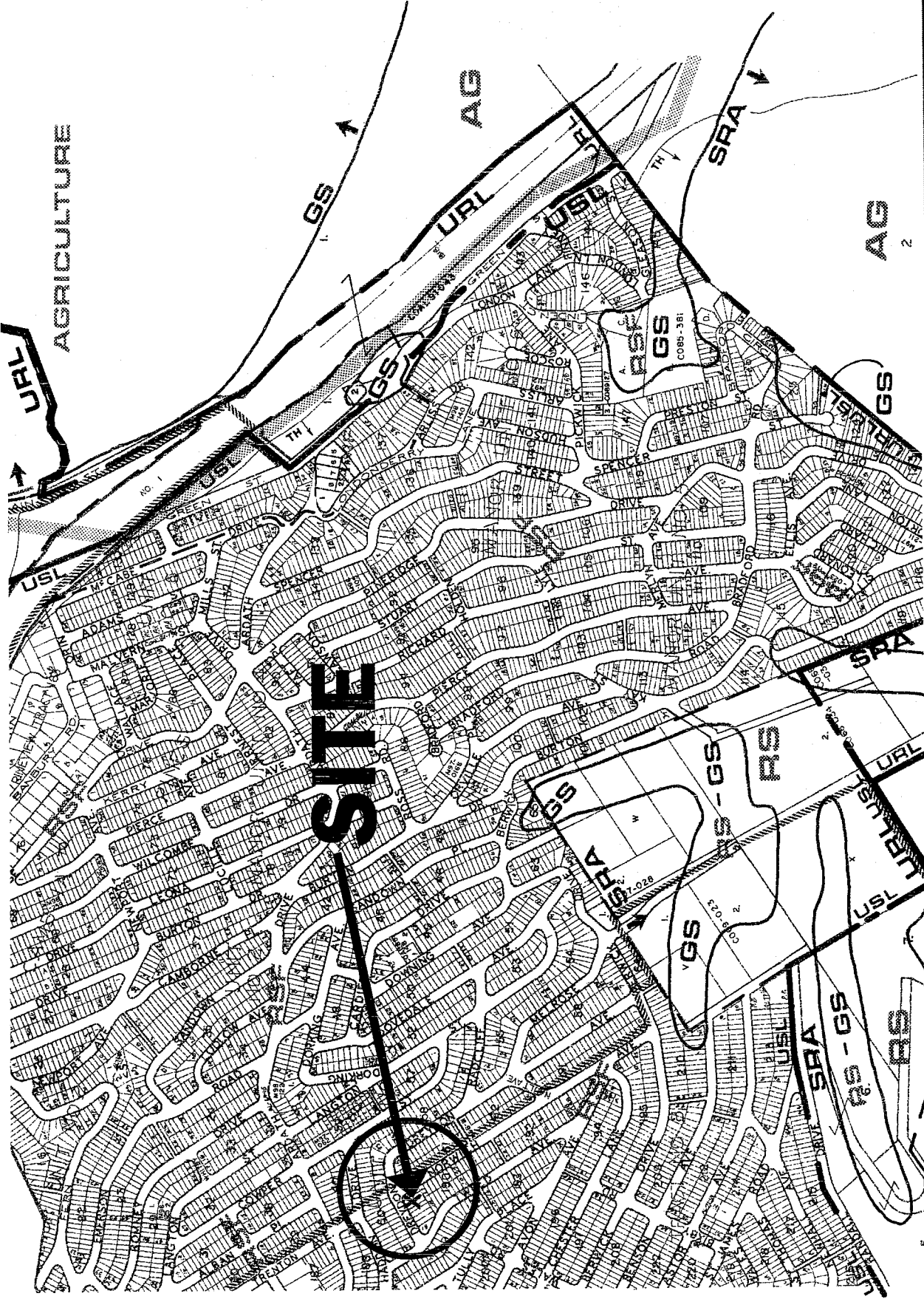
EXHIBIT

Vicinity Map



PROJECT

Minor Use Permit
Benson DRC2005-00025



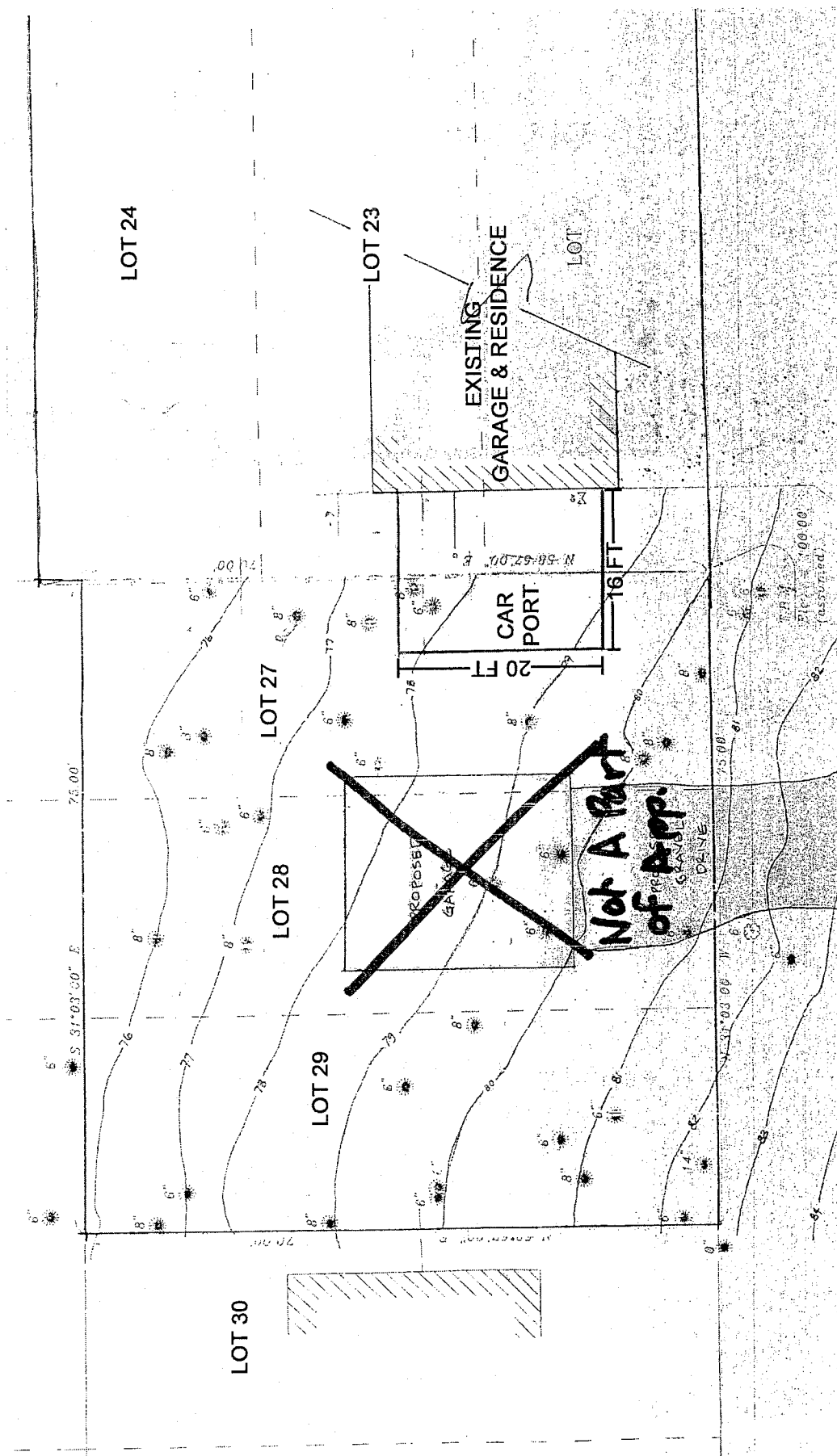
EXHIBIT

Land Use Category



PROJECT

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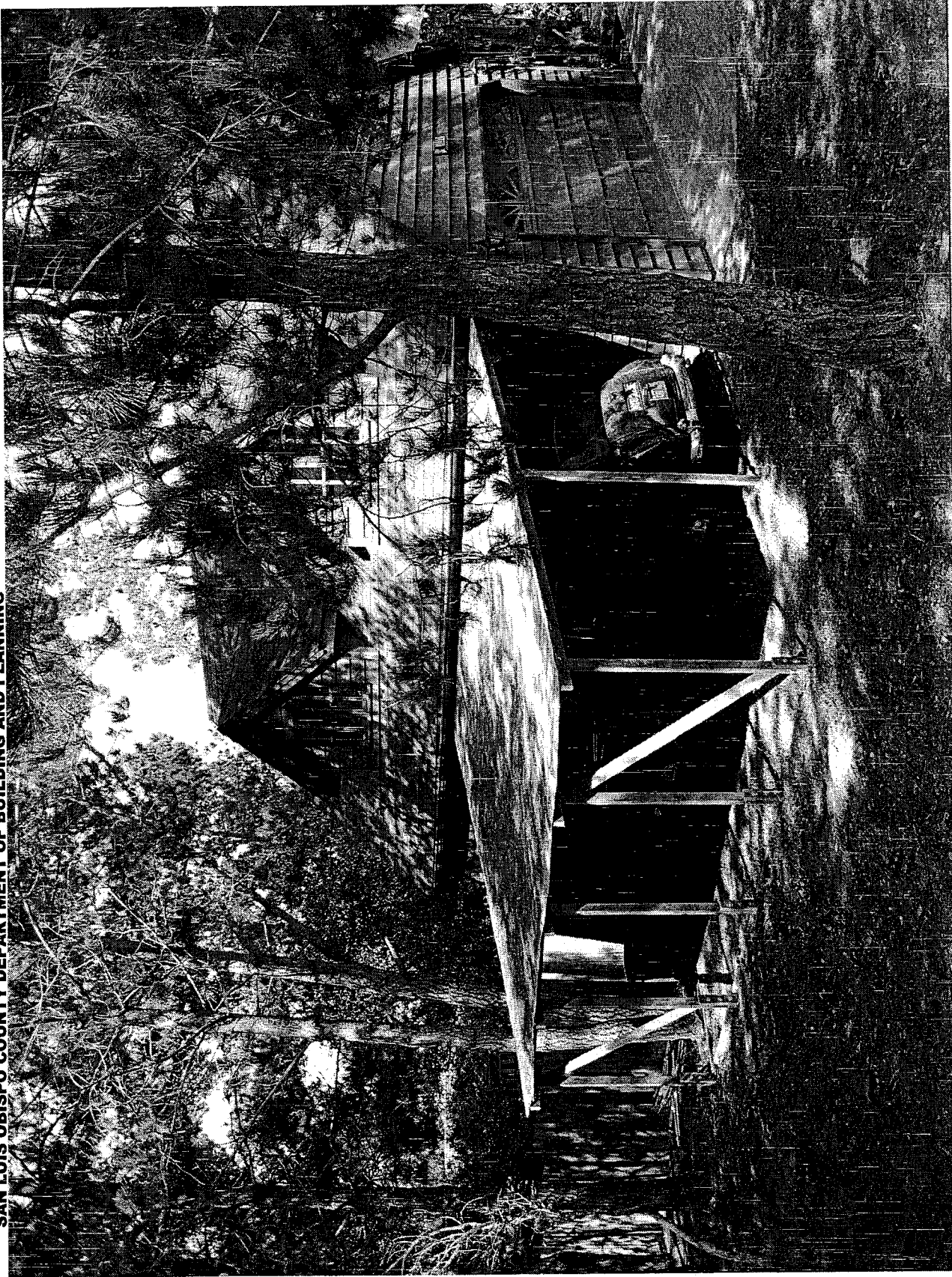
PROJECT

Minor Use Permit
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EXHIBIT

Site Plan



PROJECT

Minor Use Permit
Benson DRC2005-00025

EXHIBIT

Photograph

